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23/10/07

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No. 6291 of 2007

PETITIONERS

1 Bhulu Ram Hirwani, Age about 51 years, Asstt. Teacher, S/o Late Shri Rajaram, Govt. Primary School Beldukri, Distt. - Raipur (C.G.)

2 Durga Ram Sinha, Age about 56 years, Asstt. Teacher S/o Shri Khanjar Ram Sinha, Govt. Primary School Chhuiha, Block – Fingeshwer, Distt.- Raipur (C.G.)

3 Gulam Ishak Khan, Age about 51 years, Asstt. Teacher, S/o Late Shri Gulam Papa Khan, Govt. Primary School Roba, Block- Fingeshwer, Distt. - Raipur (C.G.)

4 Inderman Sahu, Age about 51 years, Asstt. Teacher S/o Shri Mansha Ram Sahu, Govt. Primary Balak School Rajim, Block – Fingeshwer, Distt.- Raipur (C.G.)

5 Mohan Lal Sinha, Age about 55 years, Asstt. Teacher, S/o Shri Ghuruwa Ram Sinha, Govt. Primary School Sirrikhurd, Block – Fingeshwer, Distt. – Raipur (C.G.)

6 Ram Krishna Sahu, Age about 56 years, Asstt. Teacher, S/o. Shri Bahoran Singh Sahu, Govt. Primary School Kirvai, Block- Fingeshwer, Distt. – Raipur (C.G.)

7 Ram Bilas Verma, Age about 50 years, Asstt. Teacher, S/o. Shri Jugram Verma, Govt. Primary School Daldal Sioni, Block – Dharsiva, Distt. – Raipur (C.G.)

8 Uttam Kumar Sharma, Age about 53 years, Head Master S/o Shri R.N. Tiwari, Govt. School Fingeshwer, Block- Fingeshwer, Distt.- Raipur (C.G.)

9 Rajaram Sinha, Age about 57 years, Asstt. Teacher, S/o. Late Hichha Ram Sinha, Govt. Primary School Chuiha, Block- Fingeshwer, Distt. – Raipur (C.G.)

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10 Yogeshwarpuri Goswami, Age about 50 years, Asstt. Teacher S/o Shri Bhagvatpuri Goswami, Govt. Primary School Baronda, Block- Fingeshwer, Distt.- Raipur (C.G.)

11 Ghasi Ram Dewangan, Age about 54 years, Asstt. Teacher, S/o . Shri Ratnu Ram Dewangan, Govt. Primary School Patharra, Block – Fingeshwer, Distt. – Raipur (C.G.)

12 Sewak Ram Sahu, Age about 58 years, Asstt. Teacher, S/o. Shri Bishram Sahu, Govt. Primary School Bhasera, Block – Fingeshwer, Distt. – Raipur (C.G.)

13 Johat Ram Verma, Age about 51 years, Asstt. Teacher, S/o. Shri Son Say Verma, Govt. Primary School Sursabandha, Block – Fingeshwer, Distt. – Raipur (C.G.)

14 Champa Lal Avsariya, Age about 55 years, Head Master S/o Shri Khubi Ram Avsariya, Govt. Middle School Patharra, Block- Fingeshwer, Distt. – Raipur (C.G.)

15 Ram Pyare Thakur, Age about 56 years, Head Master, S/o. Shri Khube Lal Thakur, Govt. Primary School Patharra, Block – Fingeshwer, Distt. – Raipur (C.G.)

16 Nand Kumar Saxsena, Age about 52 years, Asstt. Teacher S/o Shri Hem Lal Saxsena, Govt. Middle School Dulna, Block- Abhanpur, Distt.- Raipur (C.G.)

17 Karan Singh Thakur, Age about 55 years, Head Master S/o Shri Rangi Singh Thakur, Govt. Middle School Rajim (Balak), Block – Fingeshwer, Distt.- Raipur (C.G.)

Versus

RESPONDENTS

1 State Govt. of Chhattisgarh, Through : The Secretary, Tribal & Education Department, D.K.S. Bhawan, Distt.-Raipur (C.G.)

2 Distt. Education Officer, Distt.- Raipur (C.G.)

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3 Block Education Officer, Fingeshwer, Abhanpur, Dharsiva

4 Joint Director, Treasury, Accounts & Penssion, Raipur, Distt. - Raipur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Somkant Verma, counsel for the petitioners.

Shri Ajay Dwivedi, Panel Lawyer for the State on advance copy.

ORAL ORDER
(15.10.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. and others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

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Learned counsel for the parties jointly submits that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sd/-
Sunil Kumar Sinha
Judge

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